

Gillnet Closures Impact Fisheries

NMFS Takes Emergency Action to Protect Sea Turtles

The National Marine Fisheries Service (NMFS) has taken measures to protect endangered and threatened sea turtles. Effective March 15, 2002, NMFS has closed specified areas of federal marine waters to fishing with large mesh gillnets off the coasts of North Carolina and Virginia. The purpose of this emergency action is to reduce the impact of large-mesh gillnet fisheries on threatened, migrating sea turtles. The 240-day emergency closure will have the greatest impact on the monkfish fishery. NMFS estimates that approximately 20-25 monkfish gillnet vessels will be forced to stop fishing in these areas as a result of the closures.

Under the Endangered Species Act (ESA) of 1973, fishermen are prohibited from taking sea turtles. All species of sea turtles found in U.S. waters are listed as endangered (Kemp's ridley, leatherback, and hawksbill) or

threatened (loggerhead and green) under the ESA.

The closure resulted from a proposal that was submitted on behalf of North Carolina monkfish fishermen. The proposal was initiated owing to a U.S. District Court ruling issued August 14, 2001 that found the 300 pound trip limit established in the Monkfish Fishery Management Plan (FMP) was unlawful. The ruling increased the 300 pound daily trip limit to 1,500 or 1,000 pounds. NMFS believed the larger trip limits would dramatically increase fishing effort and associated sea turtle mortality. Consequently, NMFS took immediate action. Fishermen, on the other hand, wanted to protect the sea turtle populations while continuing to fish under the new trip limits. In their proposal, they requested NMFS consider implementing rolling closures for specific areas, taking into account fluctuations



in water temperatures. The Northeast and Southeast Science Centers reviewed the proposal and conducted an analysis of the water temperature variation and corresponding dates of the rolling closures to see how they would impact sea turtles. NMFS concluded that even more restrictive measures would be required to avoid what occurred in the spring of 2000 when hundreds of sea turtles died in the area between Oracock Inlet, North Carolina, and the Virginia/Maryland border, and NMFS responded by initiating a 30-day emergency ac-

(see gillnet closures continued on page 7)

Public Hearings Conducted for Black Sea Bass

Amendment 13 to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan

The Council and the Atlantic States Marine Fisheries Commission conducted seven public hearings from Massachusetts to North Carolina on the public hearing draft of Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. The hearings provided the public an opportunity to comment on a number of alternatives addressing three major issues: a commercial quota system for black sea bass; other commercial management measures that apply to the black sea bass commercial fishery; and management alternatives for summer flounder, scup and black sea bass to minimize adverse effects from fishing on essential fish habitat.

The hearings are part of a public process that was initiated with a scoping meeting held

on March 21, 2001. During the hearings, the public commented on the provisions of the amendment, the Draft Environmental Impact Statement, the Preliminary Regulatory Economic Evaluation, and the Essential Fish Habitat (EFH) Assessment.

The public still has the opportunity to comment on the public hearing document. Written comments must be received by the close of business April 15, 2002. Send comments to: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, 300 South New St., Dover, DE 19904. A copy of the Public Hearing Summary Document is available on the Council's website at: www.mafmc.org. The complete copy of the amendment may be obtained by contacting the Council office at 302-674-2331. ■

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Recent News

Council Approves Monkfish Management Measures

February 1, 2002

The Council took action on Framework 1 to the Monkfish Fishery Management Plan (FMP). This action will implement monkfish management measures for the 2002/2003 fishing year (May 1, 2002-April 30, 2003). The New England and Mid-Atlantic Councils jointly manage the monkfish fishery. The New England Council has the administrative lead on this FMP.

Council and Commission Schedule Public Hearings for Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass Plan

February 28, 2002

The Council and the Atlantic States Marine Fisheries Commission will hold seven public

hearings to allow for input on the public hearing draft of Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass FMP. Amendment 13 was prepared by the Council and the Commission and is intended to modify commercial management of the black sea bass fishery and cure the essential fish habitat (EFH) disapprovals from Amendment 12 (the SFA Amendment) to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan.

Council Moves Forward on Amendment 13 to the Surfclam and Ocean Quahog Fishery Management Plan

March 15, 2002

The Council met in Montauk, NY, to consider adoption of the public hearing document for Amendment 13 to the Surfclam and Ocean Quahog FMP. The Council also met to consider approval of the statement of goals and objectives for Amendment 2 to the Monkfish FMP, and actions related to marine fishery law enforcement efforts in the mid-Atlantic region.

34th Northeast SAW Regional Stock Assessment Workshop

Chairman of the Stock Assessment Workshop (SAW), Terry Smith, gave a report on the 34th SAW to the Council at its January meeting. The workshop, held in Woods Hole, November 26-30, 2001, is a formal scientific peer-review process for evaluating and presenting stock assessment results to fishery managers. Members of the SAW are representatives from the five partner organizations responsible for fisheries management in the Northeast Region, i.e., NMFS Northeast Region, Northeast Fisheries Science Center, Mid-Atlantic Council, New England Council, and the Atlantic States Marine Fisheries Commission. The group reviewed the Stock Assessments Review Committee's (SARC) documentation and stock assessments for *Loligo* squid, monkfish and Georges Bank winter flounder.

Terry presented the SAW management advice for all three species. For *Loligo* squid, the SARC recommended that the fishery continue the current catch of 20,000 mt including landings and discards. For monkfish, which is considered to be overfished with overfishing occurring in both the northern and southern management areas, they recommended reducing fishing mortality, rebuilding biomass,

and reducing discards. In regards to Georges Bank winter flounder, members advised keeping fishing mortality rates below target, continue to rebuild the stock and broaden the age structure.

A complete copy of the final 34th SAW report will be available online within the next few weeks at: <http://www.nefsc.nmfs.gov/nefsc/saw/>

The next SARC is tentatively scheduled to meet June 24-28, 2002 in Woods Hole, MA. It will consider summer flounder and scup. ■

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A Farewell to John Mason

After many years of hard work and dedication, John Mason said goodbye to the Mid-Atlantic Council. He served as the official designee and voting member on the Council from the state of New York for over 20 years.

John will be missed by his many friends and colleagues at the Council. "John's insight and understanding of mid-Atlantic fishery issues will be sorely missed," stated Deputy Director Chris Moore.

A reception, hosted by the fishing industry, State of New York, and many other orga-



Executive Director Dan Furlong, Council member Laurie Nolan, Council member Gordon Colvin, John Mason, Council member Tony DiLemia, and Council Chairman Ricks Savage

nizations, was given to Mason in honor of his many years of service to the Council.

Over the years, John served on the

Council's Executive Committee, Coastal Migratory Committee, Environmental Committee, Demersal Committee, Interjurisdictional Committee, Squid, Mackerel, Butterfish Committee, Monkfish Committee, Comprehensive Management Committee, Tilefish Committee, and Joint Venture Committee. He was the Council's representative to the New England Council for scallops, lobster,

skate, and groundfish. Prior to accepting employment with the State of New York, John was a staff member of the Council. ■

The Sue Me, Sue You Blues

by Ken Hinman, National Coalition for Marine Conservation

Today's proposition: Resolved, there are too many lawsuits. Okay, no debate. Or is there? We can all agree the recent spate of litigation over fisheries regulations is not a good thing. But we don't agree on why or what to do about it. Depending on whom you ask (and which lawsuit your talking about), the blame is laid on the plaintiffs (environmental or fishing groups), the defendants (NMFS), or the law.

The law is responsible only in so far as it now prescribes very specific actions to be taken, often within set periods of time, and that a variety of factors be considered. Implementation is more difficult when it's held to a higher standard. So we have suits when fishery managers move too slowly, or don't do enough, or do nothing at all. And we have suits

to block or overturn controversial regulations, of which there are more than ever. NMFS sometimes admits mistakes and settles, but usually the government vigorously defends what it does or doesn't do. Hence, well over a hundred cases are currently pending; for every decision handed down, another case is filed.

The right to appeal to the courts is fundamental; it protects all of our rights. Is it abused? Sure. Are parties sometimes too quick to sue? Absolutely. There are litigious times. If you don't like what NMFS or a Council does, sue them. It seems like nearly every major action affecting fisheries ends up in front of a judge, one way or another.

So what can we do? Some would loosen the law, make it less demanding. True, give

managers lots of discretion and there will be less grounds for suing. But we've been there and it didn't work. Sharpen the law, make it more precise? Yes, but don't make it more complicated, lest the Magnuson Act becomes a maze no one can negotiate, not even with the aid of a lawyer.

Given three things - cause, opportunity and money - there will be more lawsuits. Accepting that, we need to set some standards for ourselves. Never substitute litigation for advocacy. Make it the last resort, only after fully participating in the system, giving it a chance to work. Sue when more than just principle is at stake. Above all, make it a means to an end, a tool for achieving a larger goal.

Lastly, the defendants. NMFS feels the victim. Instead of admitting the sheer number of lawsuits says something about the kind of job they're doing, they blame them for keeping them from doing their job. Sometimes it's not the chicken or the egg, it's you. ■

Ken Hinman, President

Surfclam/Ocean Quahog

Council Delays Action on Amendment 13 Until April/May Meeting

On March 13, the Council voted to table all measures in Amendment 13 until its next meeting. Staff will continue the development of the Amendment document with the intent to hold public hearings in early summer. The purpose of this Amendment is to rectify the two disapproved issues (surfclam

overfishing definition and fishing gear impacts to EFH) from Amendment 12 (MAFMC 1999), consider the establishment of multi-year quotas, implement a vessel monitoring system, and reverse the surfclam minimum size limit specification, where instead of initiating a regulatory action associated with the

suspension of the minimum size limit each year, there would only be a regulatory action to implement a minimum size limit.

The overall goal of this management plan is to manage surfclam and ocean quahog so as to prevent any future overfishing. The fishing year for surfclams and ocean quahogs is the twelve (12) month period beginning 1 January each year.

(see surfclam continued on page 5)

Atlantic Bottlenose Dolphin Take Reduction Plan

New Plan Required Under the Marine Mammal Protection Act

The National Marine Fisheries Service (NMFS) recently convened a Take Reduction Team (TRT) to develop a plan to reduce the incidental take of coastal Western North Atlantic bottlenose dolphins in commercial fisheries along the U.S. Atlantic Coast. This plan is required under the Marine Mammal Protection Act (MMPA), the landmark legislation passed by Congress in 1972 to provide for the conservation and restoration of marine mammal populations in the United States.

The MMPA established a moratorium, with certain exceptions, on the taking of marine mammals in U.S. waters and by U.S. citizens on the high seas. The importing of marine mammal products into the United States is also prohibited. The term “take” means “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture or kill any marine mammal.” Certain activities are exempted from this moratorium on takes including incidental take during commercial fisheries and incidental take during non-fishery activities. To participate in the above activities, permits and/or authorizations are required.

Under the MMPA, the Secretary of Commerce is responsible for the conservation and management of pinnipeds (other than walrus), and cetaceans (which includes whales and dolphins). The Secretary delegated MMPA authority to NMFS. Part of the responsibility that NMFS has under the MMPA involves monitoring populations of marine mammals to make sure that they are maintained at optimum levels. In 1994, Congress amended the MMPA, establishing new requirements governing the taking of marine mammals incidental to commercial fishing operations. These new requirements included the preparation of stock assessments for all marine mammal stocks in waters under U.S. jurisdiction and the development and implementation of take reduction plans for stocks that may be reduced or are being maintained below their optimum sustainable population levels.

A Bottlenose Dolphin TRT was formed by NMFS for the purpose of developing a Take Reduction Plan (TRP) for coastal western Atlantic bottlenose dolphins. TRPs are required under the MMPA to assist in the recovery or to prevent the depletion of strategic stocks that interact with Category I (fish-



ery that has frequent incidental mortality and serious injury of marine mammals) and Category II (fishery that has occasional serious injuries and mortalities of marine mammals) fisheries. A strategic stock is one which is listed as endangered or threatened under the Endangered Species Act (ESA), declining and likely to be listed as threatened under the ESA, listed as depleted under the MMPA, or has direct human-caused mortality which exceeds the stock's Potential Biological Removal (PBR) level. The PBR for a marine mammal stock is the maximum number of animals, not including natural mortalities, that may be removed from that stock, while allowing the stock to reach or maintain its optimum sustainable population.

The Western North Atlantic coastal stock of bottlenose dolphins is considered a strategic stock by NMFS. Strategic status was initially assigned because the stock is designated as depleted under the MMPA as a result of a large-scale mortality event that occurred in 1987-1988. However, the stock also qualifies as strategic because mortality and serious injury of this stock incidental to commercial fishing exceeds PBR.

The immediate goal of the TRP is to reduce, within six months of its implementation, the incidental serious injury or mortality of coastal bottlenose dolphins from commercial fishing to levels less than PBR. The long-term goal is to reduce, within five years of its implementation, the incidental serious injury and mortality of coastal bottlenose dolphins from commercial fishing operations to insignif-

is approaching a zero serious injury or mortality rate. The long-term goal takes into account the economics of the fishery, the availability of existing technology, and existing state or regional fishery management plans. The bottlenose dolphin TRT consists of a balance of representatives from the fishing industry, fishery management councils, state and federal resource management agencies, the scientific community, and conservation organizations.

The team was convened on November 2001, initiating the MMPA development and implementation education plan. Coastal Atlantic dolphins interact with the follow-

ing MMPA Category II commercial fisheries: Mid-Atlantic coastal gillnet; North Carolina inshore gillnet; Southeast Atlantic gillnet; Southeastern U.S. Atlantic shark gillnet; Atlantic blue crab trap/pot; Mid-Atlantic haul/beach seine; North Carolina long haul seine; North Carolina roe mullet stop net; and, Virginia pound net. The team has met three times since November 2001 and is currently considering a broad range of alternatives to reduce the mortality of bottlenose dolphins in these fisheries which occur from New Jersey through Florida.

Once the notice of the team's formation was published in the Federal Register, the team has 6 months to develop a draft TRP. The draft plan must be approved by all members on the team before being forwarded to NMFS. NMFS has 60 days to publish the TRP, including any proposed changes to the plan. The public then has 90 days to review the plan and provide comments to NMFS on both the plan and proposed regulations. If the team cannot come to a consensus on a draft plan, NMFS has 8 months from the date the team was formed to develop a proposed plan and implementing regulations for public comment. NMFS can use the team's deliberations as the basis for its proposed plan. After the close of the comment period on the proposed plan and implementing regulations, NMFS has 60 days to publish a final plan and final regulations. After the plan is adopted, the TRT and NMFS will meet annually to monitor its implementation and effectiveness in reducing the incidental take of bottlenose dolphins. ■

Squid, Mackerel, Butterfish

Council Scheduled to Take Action on Amendment 9 in June

The Mid-Atlantic Fishery Management Council is currently preparing Amendment 9 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP). The amendment is intended to revise the management plan for the Atlantic mackerel, squid, and butterfish fisheries pursuant to the Magnuson-Stevens Act of 1976, as amended by the Sustainable Fisheries Act (SFA). The purpose of the last amendment (Amendment 8), was to bring the Atlantic Mackerel, Squid, and Butterfish FMP into compliance with the new and revised National Standards and other required provisions of the SFA.

Specifically, Amendment 8 revised the overfishing definitions for Atlantic mackerel, *Loligo* and *Illex* squid, and butterfish and addressed the new and revised National Standards relative to the existing management measures. In addition, Amendment 8 added a framework adjustment procedure that allows

the Council to add or modify management measures through a streamlined public review process.

The purpose of Amendment 9 is to take remedial action to correct the disapproved portions of Amendment 8 and to address a number of issues related to the management of the Atlantic mackerel, squid, and butterfish fisheries which have developed since Amendment 8 was implemented. Specifically, Amendment 9 addresses the disapproved portion of Amendment 8 dealing with gear impacts on essential fish habitat. In addition, this amendment would extend the moratorium on additional entry to the *Illex* fishery and allow for the specification of management measures (including quota specifications) for multiple years for Atlantic mackerel, squid, and butterfish. Additional issues that were identified during the scoping meeting held in December include the need to consider more exten-

sive measures for gear impacts on essential fish habitat (including seasonal closures, area closures, and gear modifications), bycatch and discard issues, an allowance for the transit of non-moratorium vessels possessing greater than 5,000 pounds of *Illex* taken in NAFO areas outside the US EEZ, and the need to consider additional alternatives for the *Illex* moratorium extension.

The Atlantic Mackerel, Squid and Butterfish Committee reviewed the scoping meeting comments at its January meeting in Secaucus, NJ. Council staff are currently developing a hearing draft for Amendment 9 which is scheduled to be reviewed by the Council in June. If a hearing draft is approved in June, public hearings for Amendment 9 will be held this summer. The current schedule calls for Council adoption of Amendment 9 for submission to the Secretary of Commerce in October. ■

Surfclam/Ocean Quahog

Continued from page 3

Management Strategy

When Amendment 12 (MAFMC 1998) was partially approved in April of 1999 the surfclam overfishing definition was disapproved by the Secretary because it was based on the sustainability of the Northern New Jersey area, where 80+% of the fishery occurred in the past decade. However, it was determined that this proxy did not represent global values over the entire range of the resource. In the summer of 1999 a research survey was conducted that lead to the December 1999 SARC to suggest a new surfclam overfishing definition for Council consideration. The Council adopted this new overfishing definition at its meeting in March 2000. This proposed surfclam definition is global rather than just focused on the Northern New Jersey area.

The fishing mortality target will always be set less than the F threshold and will be the F associated with the Council's selected quota.

With regards to the other disapproved measure in Amendment 12, fishing gear impacts evaluation, the NMFS, NEFMC, and the MAFMC sponsored a workshop on the effects of fishing gear on marine habitats in

Boston during October 2001. Based on the results of this workshop, the Council concluded that if the gear is fished improperly or in the wrong sediment type, then clam dredges could have an adverse effect on essential fish habitat (EFH). However, the clam resources are concentrated in sandy sediment and the fishing gear has evolved over the past five decades to fish most efficiently in such habitat. Hence, it does not appear that surfclam or ocean quahog EFH is adversely affected by such fishing gear. There could be impacts on other species, but based upon the small amount of bottom that is fished annually and the fact that any impacts are short-term, the Council concluded that there was not justification for any management measures regarding this gear.

Preferred Management Measures

The Council approved two preferred alternatives to rectify the disapproved section of Amendment 12 and address three additional issues included in this Amendment. These preferred alternatives are as follows:

1. Adopt the following overfishing definition:
$$\text{Biomass target} = \frac{1}{2} \text{ of current biomass as a proxy for } B_{\text{msy}},$$

$$\text{Biomass threshold} = \frac{1}{2} \text{ of proxy for } B_{\text{msy}},$$
$$\text{Fishing mortality threshold should be } F_{\text{msy}},$$
$$\text{where the current best proxy for } F_{\text{msy}} \text{ is } M;$$

2. Retain the status quo option for fishing gear impacts to EFH with additional clarification.

Additional Alternatives

A number of other alternatives were identified by the Council for consideration by the public, including:

1. Take no action at this time.
2. Three alternative overfishing definitions.
3. Seven areas where clam dredging would be prohibited if dredging is found to have a significant adverse affect to EFH and the concept of trading ocean quahog quota for surfclam quota to minimize gear affects in deeper water.
4. Three alternatives for multi-year quotas.
5. Two alternative for suspension of the minimum size limit for surfclams.
6. Four alternatives for the vessel monitoring system (VMS).

The Council will vote on the public hearing document during the April/May Council meeting in Newport News, VA. Hearings will be conducted mid to late summer. ■

Lawsuits Affecting MAFMC Fisheries

NRDC vs. Evans

Judge James Larson
August 20, 2001

The District Court held among other things that the Pacific groundfish specifications had to be set allowing for prior notice and public comment. The sole use of a final rule to establish the annual specifications violated both section 304(b) of the Magnuson-Stevens Fishery Conservation and Management Act and section 553 of the Administrative Procedure Act, which require the publication of a proposed rule and public comments and prior notice and comment, respectively. This decision has obvious implications for the “framework” process that is used to adjust several of the Council’s fishery management plans. It is our understanding that the Solicitor General has agreed to an appeal in this case. In *CLF v. Evans*, the plaintiff raised a similar challenge. The plaintiffs challenged scallop framework action 14, which, among other action, imposed fishing constraints on the re-opening Hudson Canyon and Virginia Beach scallop management areas. Briefs have been

submitted in this case and oral argument is scheduled for April 2002.

NRDC vs. Evans

Final Disposition Pending

The plaintiffs in this lawsuit challenge the validity of the Fishery Management Plan for the Tilefish Fishery. Specifically, they allege that the Secretary’s decision approving the FMP is arbitrary and capricious because the administrative record demonstrates that trawling is having an adverse impact on tilefish essential fish habitat and should have been prohibited in the habitat area of particular concern. The plaintiffs’ brief was filed on February 22, 2002. The Government’s brief is due on March 21, 2002.

Hadaja vs. Evans

Final Disposition Pending

The plaintiff in this lawsuit challenge the validity of the Fishery Management Plan for the Tilefish Fishery. Specifically, the plaintiff alleges that the qualifying criteria for the different limited access categories have no basis in

conservation, fail to prevent overfishing and violate National Standard 4 since only a few vessels will qualify for a Tier 1 category permit. The administrative record and answer have been filed but no briefing schedule has been set by the court.

Montauk Inlet Seafood, Inc. vs. Evans

Final Disposition Pending

The plaintiffs, who filed a challenge to the 2000 and 2001 specifications creating a gear restricted areas (GRA) for scup, have filed a motion to amend their original complaint for a third time to challenge the GRAs in the 2002 specifications. Because of the limitation in section 305 of the Magnuson-Stevens Fishery Conservation and Management Act that permits a judicial challenge to an agency action or regulation only within 30 days of its publication in the Federal Register or its promulgation, the agency is arguing that plaintiffs missed the statutory deadline. The final 2002 specifications that continued the GRAs were published on December 26, 2001.

Essential Fish Habitat

NMFS Publishes Final Rule

On January 17, 2002, NMFS published the final rule implementing the essential fish habitat (EFH) provisions of the 1996 reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) (67 FR 2343). Until publication of the final rule, the Councils used guidelines published in the interim final rule of December 19, 1997 (62 FR 19723) to satisfy the MSA EFH provisions.

The publication of the final rule follows a history of comment periods, numerous public meetings and briefings. In fact, NMFS issued the EFH guidelines and procedures initially under interim final rule rather than final rule, in order to: 1) allow another public comment period; and 2) to “gain experience adding EFH information to FMPs.” A total of 3,300 comments were received during two comment periods on the interim final rule.

The final rule does clarify the interim final rule. Essentially, the mandatory EFH components were not changed in the final rule but were listed as separate subsections to make them more distinct. Specific changes in the guidance for the Councils on these sections include clarification or more detailed guidance

on: (1) the description, identification, and mapping of EFH and HAPCs, and how to use available data; (2) the evaluation of fishing activities and minimization of adverse effects; (3) the requirement that Council’s must address non-MSA fishing activities, i.e., fishing by non-federal permit holder; (4) the evaluation of cumulative impacts for fishing and non-fishing activities; (5) the Councils’ role in encouraging conservation and enhancement of EFH for non-fishing activities; (6) how predator/prey relationships should be addressed in FMPs; (7) how the plan should address the review and revision of the EFH components; (8) that only “anadromous fishery resources under a Council’s authority” need to be addressed; and, (9) what is to be included in an EFH Assessment.

The final rule states that it is not necessary for Councils to immediately incorporate the changes to meet these new standards. The Council can do this during the next review and revision of the EFH components. The final rule states that Councils should periodically conduct a review of the EFH components and revise or amend those provisions

when warranted.

The final rule allows NMFS to obtain public input on EFH comments through the Council process. It also eliminates the requirement for NMFS to consult with the appropriate Councils prior to issuing a General Concurrence. General Concurrences is a mechanism whereby NMFS examines a category of Federal actions that are similar in nature, similar in their effects on EFH, and will cause no more than minimal adverse effects to EFH, individually or cumulatively. NMFS can revise a General Concurrence if a Council or public review suggests the action is warranted. Finally, the final rule describes five approaches for conducting consultations on non-fishing activities that may adversely impact EFH.

Although NMFS finalized the regulations for EFH, it recognizes that “there remains a great deal of interest in the EFH regulations from stakeholders. There is a diversity of opinions on the best way to integrate habitat and ecosystem considerations into fishery management. NMFS is actively evaluating these issues, and will continue to work with stakeholders to use the best available scientific information regarding habitat and ecosystem principles in fishery management decisions.” ■

Actions Affecting MAFMC Fisheries

Monkfish

The Council took action on Framework 1 to the Monkfish Fishery Management Plan (FMP). This action will implement monkfish management measures for the 2002/2003 fishing year (May 1, 2002-April 30, 2003). The Council approved a motion to delay Year 4 default measures for one year. In Year 4 (begins May 1, 2002), the regulations call for the elimination of the directed fishery (zero days-at-sea) and reduced incidental catch limits, unless modified during the current annual review and adjustment process. The Council voted to implement measures on May 1, 2002 that would achieve an optimum yield of 19,595 mt.

Squid

The Squid, Mackerel, Butterfish Committee reviewed management options for Amendment 9 to the Squid, Mackerel, Butterfish FMP. These options include gear impacts on essential fish habitat; extension of the moratorium on entry into the *Illex* fishery; multi-year specifications; bycatch and discard of other species in the *Loligo* fishery and *Illex* fishery; allowance for transit of non-moratorium vessels possessing more than 5,000 pounds of *Illex* taken in the North Atlantic Fisheries Organization areas outside US EEZ; and a change in the fishing year.

Black Sea Bass

The Council and the Commission held public hearings in March on the public hearing draft of Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. The amendment would: (1) revise the quarterly commercial quota system for black sea bass implemented in Amendment 9; (2) address the problem related to permit requirements for fishermen who have both a Northeast Black Sea Bass Permit and a Southeast Snapper/Grouper Permit and fish for black sea bass north and south of Cape Hatteras, NC; (3) address the problems related to the wet storage of black sea bass pots/traps; (4) establish de minimus specifications for black sea bass under the Atlantic State Marine Fisheries Commission Interstate Fisheries Management Program Charter; (5) implement tag requirements for black sea bass pots/traps; (6) limit the number of black sea bass pots/traps fished by fishermen; and (7) assess the impacts of fishing activities on EFH and implement management alternatives to prevent, mitigate or minimize adverse effects from fishing on summer flounder, scup and black sea bass EFH so as to bring the FMP into compliance with the Magnuson-Stevens Act.

Surfclam and Ocean Quahog

The Council reviewed management measures

related to Amendment 13 to the Surfclam and Ocean Quahog FMP. However, all measures were tabled until the April/May Council meeting. The tabling of the measures was a consequence of the Northeast Regional Administrator expressing concern that the public hearing document was not complete and, as such, would not meet all the National Environmental Policy Act (NEPA) requirements.

Law Enforcement

The Council adopted a motion to request establishment of a rule making it unlawful for any owner or operator of a federally permitted fishing vessel, if he has previously been informed in writing, to knowingly allow or have onboard in any capacity, while the vessel is at sea or engaged in offloading, any person who has his federal operator permit suspended, sanctioned, or revoked. The Council also recommended that in the next reauthorization of the Magnuson-Stevens Act, Congress should include language to the effect that any person convicted of aggressively using firearms, explosives, arson, chemicals or other dangerous means of destruction against the person or property of a member of the fishing community or law enforcement community would have any and all fishing permits revoked indefinitely and fined the maximum allowable amount under the Magnuson-Stevens Act.

Gillnet Closures

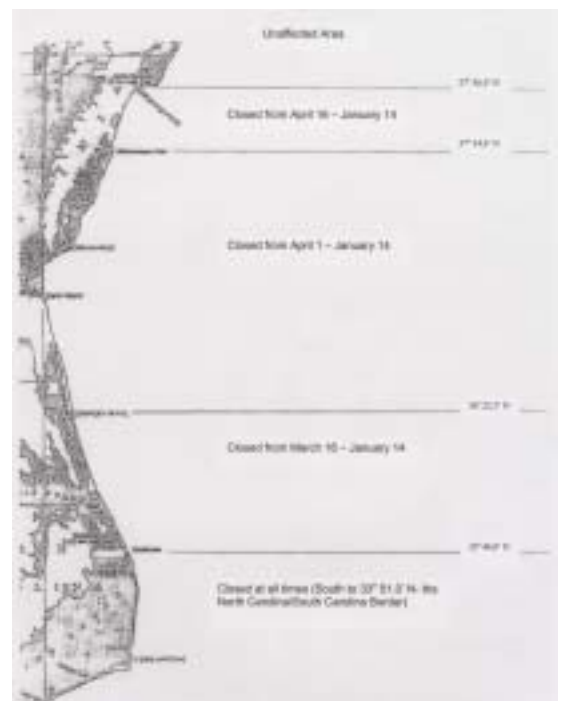
Continued from page 1

tion to close the gillnet fisheries for monkfish and dogfish on May 12, 2000.

The emergency rule that became effective March 15, 2002 will affect fishing with gillnets with a mesh size larger than 8 inch stretched mesh (see map). Large-mesh gillnets are considered the "gear of choice" for monkfish and dogfish fisheries. However, they can also catch sea turtles. Because there is a direct correlation between an increase in effort in the monkfish fishery and the mortality rate of sea turtles, NMFS decided closures were the most effective means of protecting the turtles. In the spring, sea turtles migrate northward to forage in the mid-Atlantic region where waters are rapidly warming. The oceanographic conditions around Cape Hatteras, including warm eddies, concentrate

the turtles inshore where they feed. This is also where most of the fishing occurs.

NMFS is seeking public comments to consider issuing the seasonally-adjusted gear restrictions as a final rule. According to Dave Bernhart, NMFS Fishery Biologist for Protected Resources Division in the Southeast Regional Office, it is possible that NMFS may finalize the ruling with or without modifications. "Information from fishermen would be valuable in deciding whether or not to implement these regulations," he stated. Written comments may be submitted by June 19, 2002, to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 or sent via fax to 301-713-0376. For more information on the ruling, contact Dave Bernhart at 727-570-5312. ■



Council Supports Homeland Security

After its March 2002 meeting in Montauk, NY, the Council sent a letter of support to the United States Coast Guard (USCG) regarding the concept of more fully utilizing fishermen in homeland security because of their familiarity with their respective waters. The communication was in response to the USCG's request for assistance in counter-terrorism efforts.

In the light of the events of September 11, the United States maritime infrastructure has been identified as a possible target for terrorist groups. The Coast Guard is requesting fishermen's assistance in identifying potential threats and providing information to other federal, state, and local law enforcement agen-

cies. As professional fishermen, they are best positioned to notice when something is not normal within the fishing community.

"Who would be better than professional fishermen, who are out on the water almost every day, and who know what boats belong, and what boats don't, to act as extra eyes for the Coast Guard," said Ed Mesunas, Chairman of the MAFMC Law Committee. "They are the first to notice when something isn't quite right."

The USCG asks to be on the lookout for the following:

- persons who request information on the activities of military vessels, cruise ships, cargo vessels or petroleum product carriers that

would otherwise have no legitimate interest.

- persons who offer, or are willing to pay, excessive prices for fishing vessels or maritime services and equipment.

- persons repeatedly observing or documenting maritime movements or port facilities that would otherwise appear to have no legitimate interest.

- any persons who lead you to believe that their intentions could be related to terrorist activities.

If fishermen note any of these activities, the USCG asks them to contact the Coast Guard Maritime Intelligence Center at 305 415-6920, or their local Coast Guard unit.



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